

REMARKS:

Applicant has carefully considered the Office Action mailed November 8, 2004.

Reconsideration of the application in view of this amendment in response thereto is respectfully requested.

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the phrase “each bracket” and “the attachment bracket”, as set forth in claim 1, lacks antecedent basis. Claim 1 has been amended such that “each bracket” and “the attachment bracket” now have antecedent bases. As a result, claim 1 as amended should now be allowable.

Claim 2 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Nowdworski. Many compound roofs, particularly on upper scale homes include one or more ridges, wherein each ridge line is horizontal, and may also include one or more hips each supported by a jack rafter wherein each hip line slopes downwardly and is not horizontal. The Nowdworski reference is structured for use on a ridge of a roof (see page 1, lines 20-23, 30-33; page 2, lines 21-23; Fig. 2; Fig. 5). If the Nowdworski apparatus were used across a hip, the flooring 28 would slope downwardly from top rail 25 toward top rail 24 and would be unsafe to use for that type of application.

On the other hand, the present invention includes a stabilizing unit that is structured to operatively adjust the angle of the roof-engaging base unit relative to an underlying hip roof in

order to level the scaffold-engaging crossbar elements (see, for example, page 5, lines 2-5; page 12, lines 14-18; page 16, lines 2-7). Claim 2 has been amended to more clearly distinguish the present invention and should now overcome the rejection under 35 U.S.C. § 102(b) over the Nowdworski reference.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nowdworski in view of Scallan. The Nowdworski has hereinbefore been addressed. It is well known in the concrete-forming art that concrete forms must be braced to keep the forms vertically oriented and to keep the forms from bowing until the poured concrete hardens. Accordingly, the Scallan reference teaches the use of forms to maintain the specially designed forms in a vertical attitude while concrete poured into the forms sets up (see, for example, paragraph [0107] on page 7). It is also well known in the concrete-forming art that concrete forms are maintained in abutting contact with the surface underlying the forms in order to prevent the poured concrete from running out beneath the forms before the concrete hardens. Scallan does not teach the use of a stabilizing unit that is structured to operatively adjust the angle of the roof-engaging base unit relative to an underlying hip roof in order to level scaffold-engaging crossbar elements as taught and claimed by the present application.

There is nothing in the Nowdworski or Scallan references, singly or in combination, that teaches, suggests, or provides any incentive to modify or combine those teachings such that it would have been obvious to one skilled in the art at the time of applicant's invention to provide a stabilizing unit that is structured to operatively adjust the angle of the roof-engaging base unit

relative to an underlying hip roof in order to level scaffold-engaging crossbar elements as taught and claimed by the present application. Claim 2 has been amended to more clearly distinguish the present invention from the Nowdworski and Scallan references. Applicant urges that claim 2 should now be in condition for allowance over Nowdworski in view of Scallan.

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, as set forth in the Office Action. Claim 1 has been amended accordingly and should now be allowable.

New claim 3 has been added to present the present invention in a manner not previously claimed.

Claims 1 through 3 should now be in condition for allowance which is respectfully solicited.

The Examiner is invited to contact the undersigned at the below-listed telephone number if it is felt that the prosecution of this application may be expedited thereby.

Respectfully submitted,

KENNETH G. SCHWENK

A handwritten signature in black ink, appearing to read "Donald R. Schoonover", written in a cursive style.

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